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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,010

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Daniel Plastina

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EXAMINER

THERIAULT, STEVEN B

ART UNIT

PAPER NUMBER

2179

NOTIFICATION DATE

DELIVERY MODE

03/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary	Application No. 10/623,010	Applicant(s) PLASTINA ET AL.	
	Examiner STEVEN B. THERIAULT	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed 12/21/2007.

This action is made Final.

2. Claims 1 –3, 5-10, 12-14 and 16 are pending in the case. Claims 1, 8, and 14 are the independent claims.

Claim Rejections - 35 USC § 101

3. In light of applicant's amendment to the claims 8-10 and 12-13 by clearly reciting the statutory storage medium, the previous rejection is now considered moot.

Claim Rejections - 35 USC § 103

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-3, 5-10, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as unpatentable over Goodman et al. (hereinafter Goodman) U.S. Patent No. 6928433 issued Aug. 9, 2005 and filed Jan. 5, 2001, in view of Chang et al. (hereinafter Chang) U.S. Patent No. 6715126 filed Sept. 15, 1999.**

It is noted that the present application specification defines a delimiter as the following (See *Para 0024*): *When multiple properties are stored in a metadata field, the media player application 302 analyzes data stored within the metadata field to identify a property delimiter. The property delimiter is a character or symbol (e.g., ;, \$, .noteq., or _) used by the media player application to differentiate between multiple properties within a metadata field.* Therefore, in the broadest reasonable interpretation the delimiter can be any character or symbol that separates the metadata fields.

In regard to **Independent claim 1**, Goodman teaches a method for displaying metadata of a media file being stored in a memory, said media file having a first metadata field including a particular first property data, and having a second metadata field including a second property data wherein the first and second metadata fields are different fields, (See Goodman Para 40, the file clearly contains metadata fields for album, artist, genre, voice, etc with delimited fields (Note “[” is between each field within the file) each property data defining a property of the media file, respectively, comprising:

- Identifying a first property category from the first metadata field of the media file, parsing the first property data included in the first metadata field; identifying a property delimiter included in the first property data in the first metadata field, said property delimiter differentiating multiple properties within the first property data within the particular first metadata field and indicating the first property data having multiple properties therewith (See Para 025-0033 and Para). Goodman expressly teaches a media player (See figure 8) that displays metadata information (See Title) where the first level categories are displayed in field on the interface and the fields are separated by delimiters (See column 4, lines 15-67) Goodman shows the track type mask that contains metadata such as kTTSong, KTTVoice and KTTBook separated by a delimiter, where the delimiter is a “[”.

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Each of the respective field are parsed as they are separated as attributes and then displayed in the interface (See figure 6 and column 7, lines 15-55).

- Identifying a first property and a second property based on the identified property delimiter from the parsed first property data, wherein the property delimiter separates the identified first property from the identified second property (Goodman column 4, lines 29-36 and 45-50 and column 11, lines 52-67). Goodman shows a process of associating metadata to a given field on the interface and displaying a first and second property (See figure 8). Goodman shows the delimiter as parsing the category name from the track from the structure (See column 4, lines 15-20).
- Displaying the identified first property category, the identified first property, and the identified second property in hierarchically organized levels via a graphical user interface, wherein the identified property category is displayed as a first level of the hierarchically organized levels, and wherein the identified first property and the identified second property are displayed as a second level of the hierarchically organized levels based on the property delimiter differentiating and indicating presence of the first property data and the second property data (See figure 4, 5, 8, 11) Goodman shows displaying the interface with a hierarchical set of levels based on category where in the first category the title and genre are displayed. Then a given title is chosen and the artist and tracks are displayed. Goodman teaches that other information can be displayed in further levels (See column 6, lines 1-3 and column 10, lines 15-20 and column 7, lines 1-15).

Goodman does not expressly teach:

- said particular first metadata field having multiple properties therein

However, in the same field of endeavor of providing media files to a user to be played in a media player, Chang shows records stored in a file that are organized by categories, just like Goodman, but in the records of Chang, that are metadata, the records contain multiple properties. The examiner interprets the record1 and record2 as fields in a file (See Chang column 5, lines 30-47) as the records are data blocks. The records, (see lines 50-60 and column 6, lines 15-25, data

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blocks have multiple values) have multiple values listed in them that are fields and comprise multiple values for the record field. Much like Goodman the fields are separated by a delimiter (See column 5, lines 60-67) and the records are for audio and video files to be displayed to the user. Chang and Goodman both teach a process of streaming media files that contain categories of information to be displayed in a media player. They both teach parameters for the fields to be displayed and where and they both teach a process of using sub-records to display information under a category. In the alternative, if the delimiter of Goodman cannot be interpreted to be used to differentiate the fields, which is contra to what the Examiner interprets the art to be teaching, then Chang expressly teaches a delimiter that is used to delineate the properties in a metadata field (See -1 delimiter, column 5, lines 50-67). Chang teaches the delimiter delineates between each metadata record in the file. The Examiner interprets the records as fields as they are data blocks made up of records and each record contains arrays of fieldnames, field lengths, and field values (See column 5, lines 40-50).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Chang and Goodman in front of them, to modify the file records of Goodman to allow for a data field to have multiple properties in it for the purposes of providing the user with a synchronous display of the media file without delays in the presentation. Chang teaches the novel feature of using multiple properties in a field to store and schedule requests that are to be made by the media player and pre-fetch the media items so that the presentation to the user is enhanced (See column 9, lines 30-40 and column 3, lines 1-20 and 25-42). By storing and organizing the audio, video and other file information in a certain manner the streaming nature of the file can be delivered to the user without delays previously experienced with media players. The process of editing the files and synchronizing the delivery of content and pre-fetching the needed items to the player by reading the multiple values in a metadata fields is how the user experience is enhanced and therefore also provides a motivation to modify the files of Goodman to include the multiple properties so that the files can be presented to the media

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player in Goodman in a manner that enhances the user experience. The improvement adds to the category fields, file names, lengths and parameters already in the structure of Goodman.

With respect to **dependent claim 2**, Goodman teaches the method wherein the identified first property category identifies a genre category, album category, or an artist category (See column 4, lines 15-67). Goodman specifically shows the first property is a category (See lines 15-20) and that the category can contain an album, artist, or tracks (See column 4, lines 17-21 and column 5, lines 15-21).

With respect to **dependent claim 3**, Goodman teaches the method wherein the identified first property and the identified second property each identify a genre property, an album property, or an artist property (See column 4, lines 17-21 and column 5, lines 15-21). Goodman shows the album, genre and artist properties (See column 6, lines 27-67). Goodman teaches that each category (See column 2, lines 15-22) is displayed (See Figure 8) and that each category structure includes multiple levels of metadata (See also column 6, lines 1-10).

With respect to **dependent claim 5**, Goodman teaches the method further including modifying property data included in the metadata field of the media file to modify the identified property category, the first identified property, or the second identified property being displayed in the hierarchically organized levels (See Figure 8, Goodman shows copy, paste and cut, delete features that allow the user to perform operations on the fields in the interface).

With respect to **dependent claim 6**, Goodman teaches the method further including: identifying a second property category from the second metadata field of the media file; wherein the second property category is different from the identified first property category; (See column 2, lines 15-21) Goodman shows top level category as album artist, etc and the second property is the album name and tracks, etc (See figure 11 and Figure 8).

And

parsing the second property data included in the second metadata field to identify a different first property different than the first property and a different second property different than the second

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property, and wherein displaying includes displaying the different first property or the different second property in a third level of the hierarchically organized levels (See column 4, lines 15-67) Goodman shows the track type mask that contains metadata such as kTTSong, KTTVoice and kTTBook separated by a delimiter, where the delimiter is a "|". Each of the respective field are parsed as they are separated as attributes and then displayed in the interface (See figure 6 and column 7, lines 15-55).

With respect to **dependent claim 7**, Goodman teaches the method wherein the identified second property category identifies a genre category, album category, or an artist category (See column 4, lines 17-21 and column 5, lines 15-21). Goodman shows the album, genre and artist properties (See column 6, lines 27-67). Goodman teaches that each category (See column 2, lines 15-22) is displayed (See Figure 8) and that each category structure includes multiple levels of metadata (See also column 6, lines 1-10). The second level categories identify the genre, album, and artist as these values are artist name, album title and genres (See figure 11 and Figure 8 and column 6, lines 1-13).

In regard to **claims 8-10, 12-13**, claims 8-10, 12-13 reflect the computer readable medium comprising computer readable instructions for performing the steps of method claims 1-3, 6-7, respectively, and in further view of the following, are rejected along the same rationale. Goodman expressly shows the computer readable medium (See column 11, lines 10-32). A processor must include a computer readable medium to execute instructions and to render a display (See column 6, lines 12-15).

In regard to **claims 14,16**, claims 14,16 reflect the system comprising computer readable instructions for performing the steps of method claims 1, 6, respectively, and in further view of the following, are rejected along the same rationale. Goodman expressly shows the system (See Figure 14 and column 11, lines 10-32).

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It is noted that any citation to specific pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5-10, 12-14, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the teachings of Goodman teach away from the embodiments of the invention (See argument page 8).

The Examiner disagrees.

MPEP 2131.05 specifically states that "teaching away" arguments are not germane to 102 rejections. A reference may be directed to an entirely different manner of solving a problem and be no less anticipatory if it discloses either explicitly or inherently every limitation of the claims. Even if the reference, after disclosing the invention, were to disparage the invention the reference is still no less anticipatory and "Teaching away" is inapplicable to anticipation analysis.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 7136866 and US Publication 20050027687 both teach processes for displaying in a graphical interface a file containing metadata where the file contains multiple properties and a delimiter can be used to differentiate between the first, second, ... "n" properties.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179

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